

01- R-1964

Entered - 10/17/01- sb  
CL01L0638 - DIANNE C. MITCHELL

CLAIM OF: **FELIX SANTIAGO MARCIAL**  
376 King Arnold Street  
Hapeville, Georgia 30354-1612

Standing committees  
AGENDA  
ADOPTED BY  
DEC 03 2001  
COUNCIL

For damages alleged to have been sustained as a result of a vehicular accident on August 17, 2001 at Bankhead Highway and Marietta Boulevard.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FELIX SANTIAGO MARCIAL** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on August 17, 2001 at Bankhead Highway and Marietta Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

## FAVORABLE REPORT

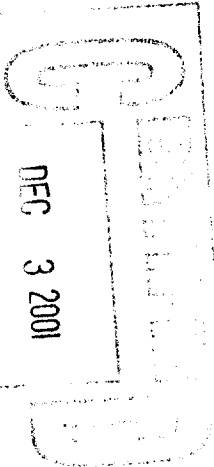
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: \_\_\_\_\_  
CHAIR: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPROVED

DEC 12 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CERTIFIED  
DEC 03 2001

DEPUTY MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-1964**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Felix Santiago Marcial** in the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicle accident on August 17, 2001 at Bankhead Highway and Marietta Boulevard** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

A handwritten signature in black ink, appearing to be "Kris L. [unclear]", written over the text "A true copy," and "Deputy Clerk".

Deputy Clerk

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

DEC 03, 2001

DEC 12, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0638

Date: November 15, 2001

Claimant /Victim FELIX SANTIAGO MARCIAL

BY: (Atty)(Ins. Co.)

Address: 376 King Arnold Street, Hapeville, Georgia 30354-1612

Subrogation: Claim for Property damage \$ 2,597.00 Bodily Injury \$

Date of Notice: 09/28/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/17/01 Place: Bankhead Highway and Marietta Boulevard

Department Police Division:

Employee involved Timothy D. Henninger Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle drove left of center line at an intersection in route to an emergency call and collided head-on with the claimant's vehicle traveling in the opposite direction.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01

Claims Manager: Concur/date 11-15-01

Committee Action: Council Action